HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 595 of 2004

1. Ajay Kumar s/o Sri Ramdhan
2. Vijay Kumar s/o Sri Ramdhan
3. Ramdhan s/o Sri Asharam Arya
4. Smt. Kusum w/o Sri Ramdhan
   All residents of village Burdpur chauhan, P.S. Jhabreda District Haridwar
5. Smt. Anita @ Vijay Kaur Arya w/o Kuldeep, village Nagla Salaru, P.S. Manglaur, District Haridwar
6. Smt. Manita @ Ajay Kaur Arya w/o Harendra resident of village Tejalhera, P.S. Chappar, District Muzafarnagar U.P. ..... Applicants

Versus

1. State of Uttaranchal
2. Veer Singh s/o Sri Dalla Singh, R/o Village Narsankala P.S. Manglaur, District Haridwar .....Opp. Party

Dated: 22.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri Rajendra Singh counsel for the applicant and Sri Vinai Kumar for the respondent no. 2.

By the present application under section 482 Cr.P.C. the applicants have challenged the criminal proceedings against the applicants in Case No. 159 of 2004 pending in the Court of 2nd Judicial Magistrate, Roorkee.

The proceedings against the applicants under section 498-A, 323, I.P.C. and Sec. ¾ of Dowry Prohibition Act, were initiated on the complaint filed by the respondent no. 2 Veer Singh under section 156(3) Cr.P.C.

Briefly stated the applicant no. 1 was married to Smt. Angita daughter of opposite party no. 2 according to Hindu rites

on 5.2.2001. The opposite party no. 2 has alleged that the applicants are harassing Smt. Angita and demanding dowry from her. The police has submitted charge sheet against the accused applicants and the learned Magistrate has taken cognizance in the case.

So far as the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. as both the parties will be at liberty to lead the evidence in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. Vs. Biological E. Ltd. And others (2003) 3 SCC269.

Since the trial has to take place for the offences under aforesaid sections, therefore, without expressing any opinion on the merits of the case, I direct the applicants to appear before the Magistrate concerned within 15 days of passing of this order and the court will permit them to file appearance bonds to the satisfaction of the Magistrate concerned for their regular appearance in the case.

Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

Rajesh Tandon, J.

Dated: 22.11.2006

*Dhyani